

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/672,528
Filing Date September 26, 2003
Inventor..... Jere F. Irwin
Assignee..... Jere F. Irwin
Group Art Unit..... 3725
Examiner Mark Rosenbaum
Attorney's Docket No. IR3-050
Title: "Comminuting Apparatus with Multiple Entrance Openings"

**PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 C.F.R. § 1.313(c)(2) FOR
CONSIDERATION OF A REQUEST FOR CONTINUED EXAMINATION IN
COMPLIANCE WITH 37 C.F.R. § 1.114**

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FEB 23 2006

OFFICE OF PETITIONS

To: Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: Keith D. Grzelak
Wells St. John P.S.
601 W. First Avenue, Suite 1300
Spokane, WA 99201-3828
Tel. (509) 624-4276; Fax (509) 838-3424

PETITION

Applicant hereby petitions for withdrawal of this application from issue pursuant to
37 C.F.R. § 1.313(c)(2).

PATENT ISSUE FEE

The issue fee for this case was paid on January 24, 2006.

The date the patent is scheduled to issue is unknown as we have not yet
received an Issue Notification.

02/24/2006 CKHLOK 00000006 10672528

01 FC:1464 130.00 OP

REASON FOR WITHDRAWAL REQUEST

Applicant hereby petitions the Commissioner to withdraw this case from issue for consideration of a request of continued examination in compliance with 37 C.F.R. § 1.114. The request for continued examination is submitted herewith.

It seems prudent to reopen prosecution so that continued examination in compliance with 37 C.F.R. §1.114 can be conducted to file a submission to amend the drawings and the written description, namely to correct the direction of arrow heads in Figure 1 to make them consistent with the written description and to insert an issued U.S. Patent number in paragraph [0021], and for this reason Applicant believes withdrawal of the application from issue is appropriate.

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PETITION FEES

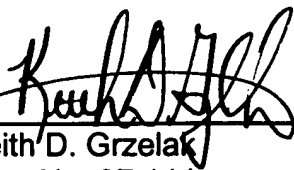
A petition fee of \$130.00, as required under 37 C.F.R. § 1.17(h), is submitted herewith.

Respectfully submitted,

Dated: _____

2/22/06

By: _____


Keith D. Grzelak
Reg. No. 37,144

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PETITION FEE **Under 37 CFR 1.17(f), (g) & (h)** **TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/672,528
Filing Date	September 26, 2003
First Named Inventor	Jere F. Irwin
Art Unit	3725
Examiner Name	Mark Rosenbaum
Attorney Docket Number	IR3-050

Enclosed is a petition filed under 37 CFR 1.313(c) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 23-0925:

☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of \$ 525.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.958 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

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Keith D. Grzelak

Typed or printed name

2/22/06
Date

37,144

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number ~~10/789,244~~ 10/072,528

Filing Date September 26, 2003

First Named Inventor Jere F. Irwin

Art Unit 3725

Examiner Name Mark Rosenbaum

Attorney Docket Number IR3-050

Total Number of Pages in This Submission

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FEB 23 2006
OFFICE OF PETITIONS**ENCLOSURES (Check all that apply)**

- | | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input checked="" type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input checked="" type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify
below):
Return Receipt Postcard; Check - \$525.00;
Request for Continued Examination
Transmittal in duplicate; Petition Fee
Transmittal in duplicate |
|---|--|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Wells St. John P.S.

Signature

Printed name

Keith D. Grzelak

Date

2/22/06

Reg. No.

37,144

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

*documents being hand delivered - see Certificate of Hand Delivery

Typed or printed name

Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Priority Application Serial No. 10/672,528
Priority Filing Date.....September 26, 2003
InventorJere F. Irwin
Assignee.....Jere F. Irwin
Priority Group Art Unit3725
Priority Examiner.....Mark Rosenbaum
Attorney's Docket No.....IR3-050
Title: "Comminuting Apparatus with Multiple Entrance Openings"

CERTIFICATE OF HAND-DELIVERY

I hereby certify that on February 23, 2006, I hand-delivered the
below-listed documents to:

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

in connection with filing a patent application as listed above. The papers hand-
delivered are as follows:

1. PTO Return Receipt Postcard;
2. Check #149357 in the amount of \$525.00;
3. Transmittal Form;
4. Petition Fee Transmittal in duplicate;
5. Request for Continued Examination Transmittal in duplicate;
6. Petition for Withdrawal from Issue Under 37 C.F.R. §1.313(c)(2) for
Consideration of a Request for Continued Examination in
Compliance With 37 C.F.R. §1.114;
7. Submission Under 37 C.F.R. § 1.114 with an Amendment to the
Drawings; and
8. Substitute drawing sheets – Annotated Sheet and Replacement
Sheet, pg. 1/7 (Fig. 1).

Dated this 23 day of February, at _____.

Sunny Downs
Sunny Downs